



20/12/07

34

HIGH COURT OF CHHATTISGARH, BILASPUR

W.P. (S) No.7515 of 2007

PETITIONERS

1. Rameshwar Patel s/o Shri Dalpat Patel, aged about 52 years, Assistant Teacher, Govt. HSS School, Saraipali, District Mahasamund(CG)
2. Pyare Lal Sidar s/o Shri Dinbandhu Sidar aged about 52 years, LDT, Govt. Primary School, Palsapali, District Mahasamund(CG)
3. Premlal Sahu s/o Shri Rameshwar Sahu, aged about 55 years, Assistant Teacher, Govt. Primary School, Bhukel, District Mahasamund(CG)
4. Ratansingh Bariha s/o Shri Mohit Lal Bariha, age about 57 years, Head Master Govt. Primary School, Kanwarpali, District Mahasamund(CG)
5. Parmanand Bhoi s/o Shri Balbhadra Bhoi, age about 53 years, Head Master, Govt. Primary School, Dongarraksha, District Mahasamund(CG)
6. N.D. Munna, s/o Shri S.G. Munna, age about 52 years, Head Master Govt. HS School, Paikin, District Mahasamund(CG)
7. Rishiraj Panda s/o Shri Padman Panda, age about 49 years, Assistant Teacher, Govt. Middle School, Patsendari, District Mahasamund(CG)
8. Shankaru Varge s/o Shri Raidhar Varge, age about 51 years, Head Master, Govt. Middle School, Bardoli, District Mahasamund(CG)
9. Usat Lal Rajhans S/o Shri Akrur, age about 52 years, Head Master, Govt. Primary school, Barpeladih, District Mahasamund(CG)
10. Lekheram Malik s/o Shri Daou Malik aged about 49 years, Head Master, Govt. Middle School, Kolihadeori, District Mahasamund(CG)
11. Kamal Prasad Pandey, s/o Shri Devi Singh Pandey, age about 55 years, Assistant Teacher, Govt. Primary School, Narra, District Mahasamund(CG)
12. Sugriv Bhoi s/o Shri Sakha Ram Bhoi, age about 52 years, Head Master,



- Govt. Middle School, Mohada, District Mahasamund(CG)
- 13 Girish Kumar Sharma, s/o Shri Tlasiram Sharma age about 53 years, Assistant Teacher, Govt. HS School, Baroli, District Mahasamund(CG)
- 14 Rasbihari Kar s/o Shri Purandas Kar, Age about 52 years, Assistant Teacher, Govt. Middle School, Tikrapara(Basna) District Mahasamund(CG)
- 15 Vaishnav Patra S/o Shri Dhoba Patra age about 49 years, Assistant Teacher, Resoda, District Mahasamund(CG)
- 16 Puran Chandra Budek s/o Shri Lal Budek Age about 54 years, Head Master, Govt. Primary School, Saldih, District Mahasamund(CG)
- 17 Chandrasay Manjhi s/o Shri Manbodh Manjhi, age about 50 years, Head Master, Govt. Middle School, Kesuwan, District Mahasamund(CG)
- 18 Kishor Kumar Sahu, s/o Shri Chandramani Sahu, Age about 50 years, Assistant Teacher, Govt. Middle School, Kisadi, District Mahasamund(CG)
- 19 Gandaray Sahu s/o Shri Haribandhu Sahu age about 51 years, Assistant Teacher, Govt. Primary School, Jalpur, District Mahasamund(CG)
- 20 Khirodra Kar s/o Shri Raghumani Kar, age about 50 years, Assistant Teacher, govt. Primary School, Saldih, District Mahasamund(CG)
- 21 Sheshdeo Sahu, s/o Shri Baikanth Sahu, age about 52 years, Assistant Teacher, Govt. Primary School, Amarkot, District Mahasamund(CG)
- 22 Mahendra Kumar Mahpatra, S/o Shri Bhikharicharan Mahpatra age about 51 years, LDT, Govt. Primary School, Habekanta, District Mahasamund(CG)
- 23 Kailaschandra Sahu, s/o Shri Kapildev Sahu, Age about 51 years, LDT Govt. Primary School, Bagarpali, district Mahasamund(CG)
- 24 Ku. Uma Agrawal(Now Smt) W/o Shri Arun Kumar Agrawal, age about 50 years, Assistant Teacher, R/o Behind of SBI Pithora, District

- Mahasamund(CG)
- 25 Vidyadhar Chouhan s/o Shri Chamru Chouhan, Age about 54 years, UDT, Govt. High School, Pirda, District Mahasamund(CG)
- 26 Rupanand Purohit, s/o Shri Kunnu Purohit, Age about 51 years, Assistant Teacher, Govt. Middle School Bhukel(Basna) District Mahasamund(CG)

Versus

RESPONDENTS

- 1 State Government of Chhattisgarh, Through Secretary, Tribal & Education Department, D.K.S. Bhawan, Raipur (C.G.)
- 2 Assistant Commissioner, Tribal Welfare Department, District Mahasamund/Raipur(CG)
- 3 District Education Officer, District Mahasamund/Raipur(CG)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri Ajay Shrivastava, Counsel for the petitioners.
Shri Sumit Verma, Panel Lawyer for the State on advance copy.

ORAL ORDER
(17.12.2007)

SUNIL KUMAR SINHA, J

Heard.

Learned counsel for the petitioners submits that the issue involved in the case is as to whether the petitioners are entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period. He submits that the issue involved herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No.2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. and others), wherein, it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No.6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the



decision of the Tribunal to the effect that the Teachers/Assistant Teachers are entitled to regular pay scale from the date of initial appointment.

Learned counsel for the petitioners further submits that this Court, while considering the same issue in Ram Kumar Sahu and others Vs. State Govt. of Chhattisgarh and another (W.P.(S) No.813 of 2007) by order dated 12.2.2007, has granted regular pay scale w.e.f. the date of initial appointment.

Learned counsel for the parties jointly submits that this case is squarely covered by the decision of this Court in the case of Ram Kumar Sahu and another (supra).

In view of that, this petition is allowed in the same terms.

However, this order shall be subject to all verifications made by the State regarding facts pleaded in the petition.

Sunita

Sd/-
Sunil Kumar Sinha
Judge